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EXAMINER	
ANWAH, OLISA	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,779	ZAK, ROBERT	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) *2,4,5,15,16,26,32,34,35,37 and 41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3, 6-14, 17-25, 27-31, 33, 36, 38-40, 42 and 43* is/are rejected.

7)☒ Claim(s) *33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 33 is objected to because it depends on a canceled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 7, 8, 10-14, 17-20 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen et al, WIPO Publication No. WO 03/100372 (hereinafter Kinnunen) in view of Girard et al, U.S. Patent Application Publication No. 2002/0132635 (hereinafter Girard).

Regarding claim 1, Kinnunen discloses a wireless communication device comprising:

a transceiver operative to communicate in a push-to-talk mode;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands;

a controller configured to:

key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to begin transmission of the speech signals; and

un-key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to end transmission of the speech signals (see page 15).

With further respect to claim 1, nowhere does Kinnunen disclose the controller is configured to activate the push-to-talk mode in the wireless communications device responsive to the predetermined voice commands. Nonetheless Girard discloses this feature (see paragraph 0013). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the controller of Girard. This modification would have improved the flexibility of Kinnunen by providing for a mobile station capable of

communicating in more than one mode of communication as suggested by Girard (see abstract).

Regarding claim 3, see Figure 3b of Kinnunen.

Regarding claim 7, see Figure 1 of Kinnunen.

Regarding claim 8, see Figure 3b of Kinnunen.

Regarding claim 10, see page 15 of Kinnunen.

Regarding claim 11, see page 15 of Kinnunen.

Regarding claim 12, see Figure 1 of Kinnunen.

Regarding claim 13, see page 15 of Kinnunen.

Regarding claim 14, Kinnunen discloses a method of communicating speech signals as packet data from a wireless communications device comprising:

detecting speech signals spoken by a user of the wireless communications device;

recognizing predetermined voice commands spoken by the user of the wireless communications device;

keying a transmitter while in the push-to-talk mode responsive to detecting the predetermined voice commands to begin transmission of said speech signals;

un-keying the transmitter while in the push-to-talk mode responsive to detecting the predetermined voice commands to end the transmission of said speech signals (see page 15).

With further respect to claim 14, nowhere does Kinnunen disclose activating a push-to-talk mode in the wireless communications device responsive to the predetermined voice commands. Nonetheless Girard discloses this feature (see paragraph 0013). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the activating mechanism of Girard. This modification would have improved the flexibility of Kinnunen by providing for a mobile station capable of communicating in more than one mode of communication as suggested by Girard (see abstract).

As per claim 17, nowhere does Kinnunen disclose the claimed deactivating limitation. Nonetheless Girard discloses this feature (see paragraph 0013). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the deactivation mechanism of Girard. This modification would have improved the flexibility of Kinnunen by providing for a mobile station capable of

communicating in more than one mode of communication as suggested by Girard (see abstract).

Regarding claim 18, see Figure 3b of Kinnunen.

Regarding claim 19, see Figure 3 of Kinnunen.

Regarding claim 20, see page 15 of Kinnunen.

Regarding claim 22, Kinnunen discloses a wireless communications system comprising:

a base station; and

a wireless communications device comprising:

a transceiver operative to communicate in a push-to-talk mode;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands input by a user;

a controller configured to:

key the transceiver responsive to the predetermined voice commands while the wireless communications device is in the push-to-talk mode to begin transmission of the speech signals; and

un-key the transceiver responsive to the predetermined voice commands while the wireless

communications device is in the push-to-talk mode to end transmission of the speech signals (see page 15).

With further respect to claim 22, nowhere does Kinnunen disclose the controller is configured to activate the push-to-talk mode in the wireless communications device responsive to the predetermined voice commands. Nonetheless Girard discloses this feature (see paragraph 0013). And so, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the controller of Girard. This modification would have improved the flexibility of Kinnunen by providing for a mobile station capable of communicating in more than one mode of communication as suggested by Girard (see abstract).

Regarding claim 23, see Figure 5 of Kinnunen.

Regarding claim 24, see Figure 5 of Kinnunen.

4. Claims 25, 27, 33, 36, 42 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen in view of Sharo, U.S. Patent Application Publication No. 2005/0059419 (hereinafter Sharo).

Regarding claim 25, Kinnunen discloses a wireless communication device comprising:

a transceiver to communicate over a wireless communications network;

a speech processor including a voice recognition engine to process speech signals and to recognize predetermined voice commands; and

a controller operatively connected to said transceiver and said speech processor, and configured to:

identify a recipient of a message responsive to the predetermined voice commands;

key the transceiver responsive to the predetermined voice commands to begin transmission of the message to the recipient; and

un-key the transceiver responsive to the predetermined voice commands to end transmission of the message to the recipient (see pages 15 and 17).

With further respect to claim 25, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Sharo discloses this limitation (see Figure 3). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the smart messages of

Sharo. This modification would have improved the convenience of Kinnunen by helping the originator of the call know that the recipient heard him/her but cannot attend to the call as suggested by Sharo (see paragraph 0022).

With respect to claim 27, nowhere does Kinnunen disclose the claimed memory. Regardless, Sharo discloses this limitation (see Figure 3). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the smart messages of Sharo. This modification would have improved the convenience of Kinnunen by helping the originator of the call know that the recipient heard him/her but cannot attend to the call as suggested by Sharo (see paragraph 0022).

Regarding claim 33, see page 18 of Kinnunen.

Regarding claim 36, Kinnunen discloses a method of communicating speech signals over a wireless communications device comprising:

detecting speech signals uttered by a user of the wireless communications device;

recognizing predetermined voice commands issued by the user of the wireless communications device;

recording said speech signals to create a message responsive to the detection of said predetermined voice commands;

keying a transceiver in the wireless communications device responsive to the predetermined voice commands to begin transmission of the message to an identified recipient; and

un-keying the transceiver responsive to the predetermined voice commands to end transmission of the message to the identified recipient (sees page 15 and 17).

With further respect to claim 36, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Sharo discloses this limitation (see Figure 3). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the smart messages of Sharo. This modification would have improved the convenience of Kinnunen by helping the originator of the call know that the recipient heard him/her but cannot attend to the call as suggested by Sharo (see paragraph 0022).

Regarding claim 42, see page 18 of Kinnunen.

Regarding claim 43, Kinnunen discloses the method of claim 36, wherein keying a transceiver in the wireless communications device responsive to the predetermined voice commands to begin transmission of the message comprises keying the transceiver to transmit said message as packet data responsive to the detection of said predetermined voice commands.

With further respect to claim 43, nowhere does Kinnunen disclose the message is prerecorded. Regardless, Sharo discloses this limitation (see Figure 3). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinnunen with the smart messages of Sharo. This modification would have improved the convenience of Kinnunen by helping the originator of the call know that the recipient heard him/her but cannot attend to the call as suggested by Sharo (see paragraph 0022).

5. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen combined with Girard in further view of Admitted Prior Art.

As per claim 9, the combination of Kinnunen and Girard does not meet the claimed transmitting limitation. Yet Applicant's

disclosure admits this limitation is well known in the art (see page 11). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Girard with the Admitted Prior Art. This modification would have improved the system's convenience by insuring the listener that the telephone has not gone dead.

6. Claims 6 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen combined with Girard in further view of Son et al, U.S. Patent No. 6,212,408 (hereinafter Son).

On the issue of claims 6 and 21, the combination of Kinnunen and Girard fails to teach activating and deactivating a listening mode responsive to one or more menu commands input by the user. All the same, Son shows these features (observe Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Girard with the voice command system of Son. This modification would have improved the system's efficiency by saving power as suggested by Kinnunen (see page 18).

7. Claims 28-31 and 38-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen combined with Sharo in further view of Logan, U.S. Patent No. 6,816,577 (hereinafter Logan).

Regarding claim 28, the combination of Kinnunen and Sharo does not explicitly teach the controller further controls said speech processor to activate a recording session responsive to the detection of said predetermined voice commands. Despite this shortcoming, Logan explains this feature (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Sharo wherein the controller further controls said speech processor to activate a recording session responsive to the detection of said predetermined voice commands. This modification would improved the system's convenience by creating a hands-free use as suggested by both Kinnunen and Logan.

Regarding claim 29, the combination of Kinnunen and Sharo does not explicitly teach the controller further controls said speech processor to deactivate a recording session responsive to the detection of said predetermined voice commands. Despite this shortcoming, Logan explains this feature (see column 4). As a

result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Sharo wherein the controller further controls said speech processor to activate a recording session responsive to the detection of said predetermined voice commands. This modification would improved the system's convenience by creating a hands-free use as suggested by both Kinnunen and Logan.

Regarding claim 30, the combination of Kinnunen and Sharo does not explicitly teach the controller further controls said speech processor to pause said recording session responsive to the detection of said predetermined voice commands. Despite this shortcoming, Logan explains this feature (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Sharo wherein the controller further controls said speech processor to activate a recording session responsive to the detection of said predetermined voice commands. This modification would improved the system's convenience by creating a hands-free use as suggested by both Kinnunen and Logan.

Regarding claim 31, the combination of Kinnunen and Sharo does not explicitly teach the controller further controls said speech processor to replay said prerecorded message responsive to the detection of said predetermined voice commands. Despite this shortcoming, Logan explains this feature (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Sharo wherein the controller further controls said speech processor to activate a recording session responsive to the detection of said predetermined voice commands. This modification would improved the system's convenience by creating a hands-free use as suggested by both Kinnunen and Logan.

Regarding claim 38, the combination of Kinnunen and Sharo does not explicitly teach saving said prerecorded message responsive to the detection of said predetermined voice commands. Despite this shortcoming, Logan explains this feature (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Kinnunen and Sharo wherein the controller further controls said speech processor to activate a recording session responsive to the detection of said

predetermined voice commands. This modification would improved the system's convenience by creating a hands-free use as suggested by both Kinnunen and Logan.

Claim 39 is rejected for the same reasons as claim 30.

Claim 40 is rejected for the same reasons as claim 31.

Response to Arguments

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
December 15, 2005

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